**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4127 OF 1992**

Bhairavnath Sahakari Dudh
Vyavasayik Sanstha Maryadit .. Petitioner
Vs.
The Assistant Registrar
(Dairy) Co-op. Societies,
Kolhapur & Ors. .. Respondents.

Mr.V.B.Rajure for the petitioner.
Mr.D.A.Patil for respondent nos.1 to 3.
None for respondent no.4.

**CORAM : D.B.BHOSALE, J.**

**DATED : 18TH FEBRUARY, 2005**

P.C.:

. Heard Mr.Rajure, learned counsel for the petitioner and Mr.Patil learned A.G.P. for respondent nos.1 to 3. None appears for respondent no.4.

2. This petition is directed against the order/letter dated 27.8.1992 issued by respondent no.2 by which respondent no.1 was directed to register respondent no.4-society in view of the fact that the village Khotwadi situate in hilly area and it would not be possible for them to collect 300 litres of Milk which is a condition precedent for registering the new society. It appears that the letter dated 27.8.1992 was issued in pursuance of the letter dated 4.8.1992 written by local M.L.A.

to the concerned Minister. Mr.Rajure, learned counsel for the petitioner at the outset submitted that the impugned order/letter cannot be sustained in view of the order passed by this Court in **Hanuman Dudh Utpadak Sahakari Sanstha Ltd. & Anr. V. The State of Maharashtra & Ors. in Writ Petition No.1180 of 1989 dated 21st April, 1989**. Mr.Patil, learned A.G.P. fairly stated that the contentions of Mr.Rajure seems to be correct. Keeping that in view and considering the overall facts and circumstances of the case and that since 1993 the interim relief is operating against respondent no.4 - society, in my opinion, the appropriate course will be to set aside the impugned order/letter and direct respondent no.1 to consider the proposal of respondent no.4 afresh. Before considering their proposal afresh, notice be issued to respondent no.4 to ascertain as to whether they are still interested in registration of their society. If respondent no.4 - society is still interested in getting society registered they may be allowed to file further documents in support of their claim, if they so desire. The Assistant Registrar shall decide the proposal after giving an opportunity of being heard to the petitioners as also other societies, if any, operating in the same area. The petition is, accordingly, dismissed.

(D.B.Bhosale, J.)